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9 **UNITED STATES DISTRICT COURT**
10
10 **DISTRICT OF NEVADA**

11 SALVADOR PLASCENCIA, individually; and KYLE HAIL,

Case No.: 2:22-cv-01420-GMN-MDC

13 Plaintiffs,

14 vs.
15
15 **STIPULATION AND ORDER TO**
16 **EXTEND THE CLOSE OF**
17 **DISCOVERY, DISPOSITIVE**
18 **MOTIONS DEADLINE, AND JOINT**
19 **PRETRIAL ORDER DEADLINE**

(Fourth Request)

15 HARTFORD FIRE INSURANCE
16 COMPANY, a Connecticut Corporation;
17 DOES, I through X, inclusive; ROE
18 BUSINESS ENTITIES, I through X,
18 inclusive,

19 Defendants.

21 IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs
22 SALVADOR PLASCENCIA and KYLE HAIL, through their counsel of record, Dennis
23 M. Prince and Kevin T. Strong of PRINCE LAW GROUP and Defendant HARTFORD
24 FIRE INSURANCE COMPANY, through its counsel of record, Darren T. Brenner and
25 Stephanie Garabedian of WRIGHT, FINLAY & ZAK, LLP, that the discovery deadlines
26 in this matter shall be extended ninety (90) days pursuant to LR 26-3. This is the parties'
27 fourth request for an extension of the discovery deadlines. The parties set forth the
28 following information in support of their stipulation.

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I.2
DISCOVERY COMPLETED TO DATE3
A. FRCP 26(a) Disclosures and Supplements

<u>Title</u>	<u>Date Served</u>
Plaintiffs' Initial Disclosure of Documents and Witnesses Pursuant to FRCP 26(a)(1)	Nov. 30, 2022
Hartford Fire Insurance Company's Initial Disclosure of Witnesses and Documents Pursuant to FED. R. CIV. P. RULE 26.1(a)(1)	Dec. 5, 2022
Plaintiffs' First Supplement to Their Initial Disclosure of Documents and Witnesses Pursuant to FRCP 26(a)(1)	Jan. 27, 2023
Hartford Fire Insurance Company's First Supplemental Disclosure of Witnesses and Documents Pursuant to FED. R. CIV. P. RULE 26.1(a)(1)	April 17, 2023
Plaintiffs' Second Supplement to Their Initial Disclosure of Documents and Witnesses Pursuant to FRCP 26(a)(1)	May 12, 2023
Hartford Fire Insurance Company's Second Supplemental Disclosure of Witnesses and Documents Pursuant to FED. R. CIV. P. RULE 26.1(a)(1)	June 28, 2023
Plaintiffs' Third Supplement to Their Initial Disclosure of Documents and Witnesses Pursuant to FRCP 26(a)(1)	June 29, 2023
Hartford Fire Insurance Company's Third Supplemental Disclosure of Witnesses and Documents Pursuant to FED. R. CIV. P. RULE 26.1(a)(1)	July 13, 2023
Hartford Fire Insurance Company's Fourth Supplemental Disclosure of Witnesses and Documents Pursuant to FED. R. CIV. P. RULE 26.1(a)(1)	October 2, 2023
Plaintiffs' Initial Expert Disclosure Pursuant to FRCP 26(a)(2)	January 25, 2024
Hartford Fire Insurance Company's Initial Disclosure of Expert Witnesses	January 25, 2024

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B. Written Discovery

<u>Title</u>	<u>Date Served</u>
Plaintiff Salvador Plascencia's First Set of Interrogatories to Defendant Hartford Fire Insurance Company	February 8, 2023
Plaintiff Kyle Hail's First Set of Interrogatories to Defendant Hartford Fire Insurance Company	February 8, 2023
Plaintiffs' First Set of Interrogatories to Defendant Hartford Fire Insurance Company	February 8, 2023
Hartford Fire Insurance Company's First Set of Interrogatories to Plaintiff Salvador Plascencia	March 13, 2023
Hartford Fire Insurance Company's First Set of Requests for Production of Documents to Plaintiff Salvador Plascencia	March 13, 2023

1	Hartford Fire Insurance Company's First Set of Requests for Admissions to Plaintiff Salvador Plascencia	March 13, 2023
2	Hartford Fire Insurance Company's First Set of Interrogatories to Plaintiff Kyle Hail	March 13, 2023
3	Hartford Fire Insurance Company's First Set of Requests for Production of Documents to Plaintiff Kyle Hail	March 13, 2023
4	Hartford Fire Insurance Company's First Set of Requests for Admissions to Plaintiff Kyle Hail	March 13, 2023
5	Hartford Fire Insurance Company's Responses to Plaintiff Salvador Plascencia's First Set of Interrogatories	April 17, 2023
6	Hartford Fire Insurance Company's Responses to Plaintiff Kyle Hail's First Set of Interrogatories	April 17, 2023
7	Hartford Fire Insurance Company's Responses to Plaintiffs Salvador Plascencia and Kyle Hail's First Set of Requests for Production of Documents	April 17, 2023
8	Plaintiff Salvador Plascencia's Answers to Defendant Hartford Fire Insurance Company's First Set of Interrogatories	May 10, 2023
9	Plaintiff Salvador Plascencia's Responses to Defendant Hartford Fire Insurance Company's First Set of Requests for Production of Documents	May 10, 2023
10	Plaintiff Salvador Plascencia's Responses to Defendant Hartford Fire Insurance Company's First Set of Requests for Admissions	May 10, 2023
11	Plaintiff Kyle Hail's Answers to Defendant Hartford Fire Insurance Company's First Set of Interrogatories	May 10, 2023
12	Plaintiff Kyle Hail's Responses to Defendant Hartford Fire Insurance Company's First Set of Requests for Production of Documents	May 10, 2023
13	Plaintiff Kyle Hail's Responses to Defendant Hartford Fire Insurance Company's First Set of Requests for Admissions	May 10, 2023
14	Hartford Fire Insurance Company's Second Set of Requests for Production of Documents to Plaintiff Kyle Hail	September 5, 2023
15	Plaintiff Kyle Hail's Responses to Defendant Hartford Fire Insurance Company's Second Set of Requests for Production of Documents	October 5, 2023

22 **C. Depositions**

23 <u>Deponent</u>	24 <u>Date</u>
Plaintiff Salvador Plascencia	June 30, 2023
Plaintiff Kyle Hail	September 1, 2023

25 **D. Subpoenas Issued**

26 <u>Subpoena</u>	27 <u>Date</u>
Concentra regarding Plaintiffs Salvador Plascencia and Kyle Hail	May 3, 2023

Desert Radiology regarding Plaintiff Kyle Hail	May 3, 2023
Desert Orthopaedic Center regarding Plaintiff Salvador Plascencia	May 3, 2023
Southern Hills Hospital	June 29, 2023
Achieve Physical Therapy	June 30, 2023

II.

DISCOVERY TO BE COMPLETED

1. Plaintiffs will take the depositions of Defendant's relevant claims handling personnel who were involved in the investigation, evaluation, and handling of their respective underinsured motorist claims.

2. Plaintiffs will take the deposition of the FRCP 30(b)(6) witness for Defendant.

3. The parties will depose their respective expert witnesses.

4. The parties will engage in additional written discovery and notice any additional depositions.

The parties anticipate that they may need to conduct other forms of discovery not specifically delineated herein on an as-needed basis. Therefore, the list outlined above is in no way intended to be a comprehensive list of the outstanding discovery that remains to be completed.

III.

**REASONS DISCOVERY WAS NOT COMPLETED WITHIN THE TIME LIMITS
AND NEEDS TO BE EXTENDED**

“[D]istrict courts . . . retain broad discretion to control their dockets” *Shahrokhi v. Harter*, No. 2:21-cv-01126-RFB-NJK, 2021 U.S. Dist. LEXIS 247936, at *4 (D. Nev. Dec. 30, 2021). To prevail on a request to extend discovery deadlines, the parties must establish good cause. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608-09 (9th Cir. 1992). “Good cause to extend a discovery deadline exists if it cannot reasonably be met despite the diligence of the party seeking the extension.” *Las Vegas Skydiving Adventures LLC v. Groupon, Inc.*, No. 2:18-cv-02342-APG-VCF, 2020 U.S. Dist. LEXIS 166073, at *6 (D. Nev. Sep. 10, 2020) (internal quotations omitted). For the reasons set forth below, the parties respectfully submit that good cause supports their request for

1 an extension of the close of discovery, dispositive motions deadline and joint pretrial
 2 order deadline.

3 The parties respectfully request an extension of the discovery deadlines in this
 4 matter for numerous reasons. Throughout the last couple months of 2023, the parties
 5 attempted to schedule the depositions of Defendant Hartford Fire Insurance Company's
 6 ("Hartford") relevant claims personnel and other witnesses. Despite the parties' diligent
 7 efforts to complete this discovery, several circumstances arose, through no fault of the
 8 parties, that delayed these depositions. Plaintiffs' undersigned counsel of record, Dennis
 9 M. Prince ("Mr. Prince"), participated in a trial in the matter stayed *EC 215 Las Vegas,*
 10 *LLC, et al. v. Siegel LV North Strip Tolleson, LLC*, Eighth Judicial District Court Case
 11 No. A-22-851840-B. The trial litigated a dispute centered upon the entry of a preliminary
 12 injection pertaining to the use of land on Las Vegas Boulevard. The trial was only
 13 scheduled to last from October 9, 2023 through October 11, 2023. Unfortunately, several
 14 unforeseeable delays arose from numerous arguments presented throughout trial, which
 15 precluded the parties from presenting their respective witnesses and evidence during
 16 the allotted three days. As a result, the parties required three additional dates, October
 17 16, 2023; November 1, 2023; and November 2, 2023 to complete the trial. The
 18 continuation of the trial required Plaintiffs' lead trial counsel, Mr. Prince, to devote
 additional time and resources to complete the trial.

19 In early December 2023, the mother of Plaintiff's undersigned counsel of record,
 20 Kevin T. Strong, was involved in a motor vehicle collision, which necessitated the
 21 cancellation of the deposition of Hartford's claims adjuster, Sarah Grossman. In
 22 December 2023, Mr. Prince welcomed the birth of his child, which caused him to take
 23 time away from the office. The scheduling of Ms. Grossman's deposition has also been
 24 difficult because she lives in a small, remote town in Idaho, which complicated Hartford's
 25 counsel, Darren T. Brenner's ("Mr. Brenner") ability to travel for Ms. Grossman's
 deposition.

26 The parties are also dealing with future scheduling conflicts for the month of
 27 February. On February 6, 2024, Mr. Prince underwent a surgical procedure, which
 28 required him to take some time away from the office. On February 9, 2023, Mr. Strong's

1 10-month-old son underwent major surgery, which has required Mr. Strong to work from
2 home for an extended period of time to help with his son's post-surgery care. Mr. Brenner
3 will be out of the jurisdiction during the week of February 20 and will be preparing for
4 an oral argument before the Nevada Supreme Court during the first week of March
5 2023. Despite these conflicts, the parties have confirmed the scheduling of the following
6 depositions:

Sarah Grossman: March 21, 2023

Troy Myers: April 4, 2023

The parties are still in the process of scheduling deposition dates for their respective retained experts and Hartford's FRCP 30(b)(6) witness, but anticipate this deposition will be scheduled well within the requested 90-day extension period. The parties also expect to mediate this case following the completion of this outstanding discovery, which they reasonably believe will help to increase the chances of resolution. For the reasons set forth above, the parties respectfully submit that good cause supports their requested stipulation for a ninety (90) day extension of the discovery deadlines. The parties' requested extension of the discovery deadlines is not made in bad faith or to cause any unnecessary delays in the resolution of this matter.

IV.

PROPOSED SCHEDULE FOR COMPLETING DISCOVERY

	<u>Current Date</u>	<u>Proposed Date</u>
Amend Pleadings and Add Parties:	Closed	Closed
Initial Expert Disclosures:	Closed	Closed
Rebuttal Expert Disclosures:	Closed	Closed
Close of Discovery:	March 4, 2024	June 3, 2024 ¹
Dispositive Motions	November 1, 2023	July 3, 2024
Joint Pretrial Order	December 1, 2023	August 2, 2024

¹ The actual deadline falls on Sunday, June 2, 2024.

1 Based on the foregoing, the parties respectfully request this Court grant their
2 Stipulation and Order to Extend the Close of Discovery, Dispositive Motions Deadline,
3 and Joint Pretrial Order Deadline (Fourth Request).

4 | DATED this 12th day of February, 2023.

DATED this 12th day of February, 2023.

5 | PRINCE LAW GROUP

WRIGHT, FINLAY & ZAK, LLP

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ORDER

IT IS SO ORDERED.

DATED: February 13, 2024

Maximiliano D. Couvillier III
UNITED STATES MAGISTRATE JUDGE

